

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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TETRIS HOLDING, LLC and THE)
TETRIS COMPANY, LLC,)
)
Plaintiffs and)
Counterclaim-Defendants,)

vs.)

) Civil Action No.
) 3:09-CV-6115 (FLW) (DEA)
)

XIO INTERACTIVE INC.,)
)
Defendant and)
Counterclaim-Plaintiff.)
_____)

VIDEOTAPED DEPOSITION OF

DESIREE GOLEN

January 28, 2011

REPORTED BY:

JULIE ANNE ZEIGLER, RPR, CSR 9750

JOB #432442

1 end of March of 2009 when you submitted Mino to Apple?

2 A. It was probably -- sorry. I kind of zoned
3 out. Can you repeat the question?

4 Q. Sure. Was it your recollection that at the
5 end of March of 2009 Xio submitted Mino to Apple?

6 A. I think it was -- I guess it was at the end of
7 March based on the fact that I had a promo code, it
8 seems -- on March 18th.

9 Q. Then you wrote, "We had to change a few
10 things here and there for trade dress reasons." Do you
11 see that?

12 A. Um-hum.

13 Q. What did you mean by "trade dress"?

14 A. I'm not sure exactly what I meant, but before
15 we released Mino, we were aware that the Tetris Company
16 was sending out cease and desist letters to Tetrimino
17 developers, and we were trying to take every step
18 possible to avoid stepping on anyone's toes.

19 So, at one point, we had considered naming the
20 game Tetris, and we wrote to the lawyer, and that was
21 declined. I'm not a lawyer, again, but based on my
22 understanding of -- anyways, another -- another decision
23 we made was to not include a song that had been used
24 with other Tetrimino games, the Russian folklore song.
25 I think those are two changes.